

2677 Theodore J. Spida  
P.O. Box 31  
Gales Creek, Ore. 97117

2677

STATUS OF APPLICATION

Change in Point of Diversion  
Date filed July 20, 1972  
Date of hearing \_\_\_\_\_  
Place of hearing \_\_\_\_\_  
Date of order 1-3-73 Vol. 22, page 383  
Date for application of water October 1, 1973  
Proof mailed \_\_\_\_\_  
Proof received \_\_\_\_\_  
Confirming Certificate issued NOV 30 1978 Vol. 40, page 47032  
Survey

DESCRIPTION OF WATER RIGHT

Name of stream Clear Creek  
Trib. of Gales Creek County of Washington  
Use Irrigation  
Quantity of water \_\_\_\_\_ No. of acres 32  
Name of ditch \_\_\_\_\_  
Date of priority Sept. 27, 1935  
In name of Eli W. Howell  
\_\_\_\_\_ Adjudication, Vol. \_\_\_\_\_, page \_\_\_\_\_  
App. No. 16067 Per. No. 12035 Cert. No. 14377  
Certificate cancelled \_\_\_\_\_  
Notation made on record by \_\_\_\_\_

FEEES PAID

Date	Amount	Receipt No.
<u>7/20/72</u>	<u>15.00</u>	<u>29823</u>
<u>11-21-72</u>	<u>10.00</u>	<u>31512</u>
TOTAL . . .		
<u>11-21-72</u>	<u>3.00</u> <u>\$1 Cert. Fee</u>	<u>31513</u>

FEEES REFUNDED

Date	Amount	Check No.

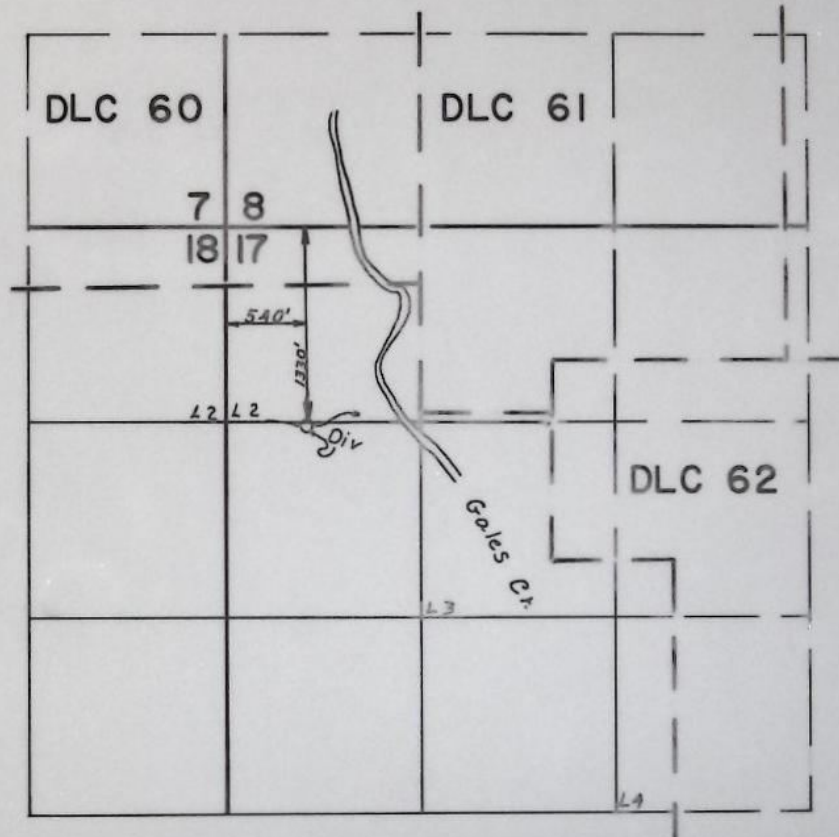
REMARKS

(Also see cancellation order V24 P215)  
See T 2828 before new cert the order. V 25 p 22-64  
(Melvin E & Iris R. Howell)  
No remaining right certificate to be issued -

TO BE ENTERED WHEN CHECKED	INDEX CARDS:	Entered	Checked
	<input checked="" type="checkbox"/> Name	<u>21</u>	
	<input checked="" type="checkbox"/> Stream	<u>21</u>	
	<input checked="" type="checkbox"/> Pt. of Div.		
	<input checked="" type="checkbox"/> Calendar	<u>21</u>	
	CHECKED TO RECORDS:		
	<input checked="" type="checkbox"/> Twp. & Rge.	<u>21</u>	
	<input checked="" type="checkbox"/> Decree-vault		
	<input checked="" type="checkbox"/> Decree-safe		
	<input checked="" type="checkbox"/> Cert. of W/R	<u>21</u>	
	<input checked="" type="checkbox"/> Per. Folder	<u>21</u>	
	<input checked="" type="checkbox"/> Chainindex		
	<input checked="" type="checkbox"/> Cross Ref.		
	Power Claim		
	Abstracts		



T.1N.,R.4W.,W.M.



**FINAL PROOF SURVEY**  
UNDER

TRANSFER NO. 2677

Application No. \_\_\_\_\_ Permit No. \_\_\_\_\_  
IN NAME OF

THEODORE J. SPIDAL

Surveyed MAY 18, 1976, by R.G. MUCKEN



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STATE OF OREGON  
COUNTY OF WASHINGTON

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That Theodore J. Spidel  
~~ELI W. HOWELL~~

PO Box 31  
of Gales Creek, State of Oregon 97117, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Clear Creek \*  
a tributary of Gales Creek for the purpose of  
Irrigation of 3.0 acres  
under Permit No. 12035 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from September 27, 1935

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
~~0.12~~ cubic foot per second,  
0.04

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the ~~SW 1/4 NW 1/4~~ Section 18, Township 1 North, Range 4  
West, W. M. ~~SW 1/4 NW 1/4~~ 17  
; 1330'S & 540'E from the NW cor Sec 17

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second  
per acre, or its equivalent for each acre irrigated and shall be further limited to  
a diversion of not to exceed 2 1/2 acre feet per acre for each acre irrigated during  
the irrigation season of each year,

and shall  
conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

3.0 ~~9.0~~ acres in the SW 1/4 NW 1/4,  
Section 17,  
T. 1 N., R. 4 W., W. M.

7#2677	V25, P215	T 2878
30	cancel	275
	375	

\* provided that the appropriation shall be limited only to those waters  
originating east of the line running north and south between T. 1 N., R.  
5 W., W. M. and T. 1 N., R. 4 W., W. M. and shall not include any waters  
originating west of said line.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

*enter when other cert issued*  
This certificate is issued to confirm a change in point of diversion approved  
by an order of the WRD entered January 3, 1973 and together with certificate  
of water right recorded on Page 47033, Volume 40, SRWRC supersedes  
certificate of water right recorded on Page 14377, Volume 12, SRWRC.

The issuance of this superseding certificate does not confirm the status of  
the water right in reference to ORS 540.610.

Recorded in State Record of Water Right Certificates, Volume 12, page 14377.

47032



BEFORE THE STATE ENGINEER OF OREGON

Washington County

IN THE MATTER OF THE APPLICATION )  
OF THEODORE J. SPIDAL FOR THE )  
APPROVAL OF A CHANGE IN POINT OF )  
DIVERSION OF WATER FROM CLEAR CREEK )  
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ORDER APPROVING  
TRANSFER NO. 2677

On July 20, 1972, Theodore J. Spidal filed an application in the office of the State Engineer for the approval of a change in point of diversion of water from Clear Creek, pursuant to the provisions of ORS 540.510 to 540.530.

Certificate of water right issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record of Water Right Certificates, confirmed a right to the use of not to exceed 0.12 cubic foot per second of water from Clear Creek for the irrigation of, among other lands, 3.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935. These lands are irrigated from a point of diversion located 1400 feet South and 900 feet West from the NE corner of Section 18 being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of Section 18, Township 1 North, Range 4 West, W.M.

The applicant herein, owner of the lands above described, proposes to irrigate these lands from a point of diversion to be located 1400 feet South and 400 feet East from the NW corner of Section 17 being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 1 North, Range 4 West, W.M.

Notice by publication as provided by ORS 540.520 was not given in connection with this application for the reason said section provides notice is not required on an application for a change in point of diversion of water of less than one-fourth mile where there are no intervening diversions.

Mr. Clayton J. Gardner, Watermaster of District No. 1, has filed a report to the effect that the proposed change in point of diversion may be made without injury to existing rights.



No objections having been filed and it appearing that the proposed change in point of diversion may be made without injury to existing rights, the application should be approved.

NOW, THEREFORE, it hereby is ORDERED that the proposed change in point of diversion of water from Clear Creek, to-wit:

From a point located 1400 feet South and 900 feet West from the NE corner of Section 18, being within the SE $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 18, Township 1 North, Range 4 West, W.M.

To a point to be located 1400 feet South and 400 feet East from the NW corner of Section 17, being within the SW $\frac{1}{4}$  NW $\frac{1}{4}$  of Section 17, Township 1 North, Range 4 West, W.M.

for the irrigation of 3.0 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 17, Township 1 North, Range 4 West, W.M., with a date of priority of September 27, 1935, is approved.

It is FURTHER ORDERED that the construction work shall be completed and the change in point of diversion of water made on or before October 1, 1973.

It is FURTHER ORDERED that the quantity of water diverted at the new point of diversion shall not exceed the quantity of water available at the old point of diversion and shall not exceed 0.04 cubic foot per second.

It is FURTHER ORDERED that the following provisions shall be carried out prior to the diverting of water at the new point of diversion as herein confirmed.

That the diversion works shall include an in-line flow meter, a weir, or other suitable device for measuring the water to which the applicant is entitled.

That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

It is FURTHER ORDERED that certificate of water right heretofore issued to Eli W. Howell and recorded at page 14377, Volume 12, State Record



of Water Right Certificates is canceled and in lieu thereof a new certificate be issued covering the balance of the lands not involved in this proceeding and upon receipt of proof satisfactory to the State Engineer of completion of the authorized change in point of diversion, a certificate of water right shall be issued to Theodore J. Spidal confirming the change in point of diversion.

Dated at Salem, Oregon, this 3rd day of January, 1973.

CHRIS L. WHEELER  
State Engineer

